

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

W. Henry Wall

Confirmation No.:

Serial No.:

Group Art Unit:

Filed:

Examiner:

For: Oro-Pharyngeal Airway with Breath Monitor

Docket No.: 12310-1140

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

- under 37 CFR 1.97(b), or
(within Three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- under 37 CFR 1.97(c) together with either a:
 - Statement Under 37 C.F.R. 1.97(e), or
 - a \$180.00 fee under 37 CFR 1.17(p), or
(After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever occurs first)
- under 37 CFR 1.97(d) together with a:
 - Statement under 37 CFR 1.97(e), and
 - a \$180.00 petition fee set forth in 37 CFR 1.17(p).
(Filed after final office action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Enclosed is a check in the amount of \$. Please charge \$ to deposit account . At any time during the pendency of this application, please charge any fees required to Deposit Account 20-0778 pursuant to 37 CFR 1.25. The Commissioner is hereby requested to credit any overpayment to Deposit Account No. 20-0778.

- Applicant(s) submit herewith *Form PTO 1449A - Information Disclosure Statement by Applicant* together with copies of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. As required by 37 C.F.R. §1.98(a), a legible copy of each document is provided.
- A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on the form PTO 1449 and is enclosed herewith.

The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport to offer.

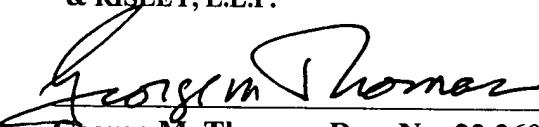
This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. Any statements or identifications regarding the relevance of any portion(s) of cited references should not be construed as a representation that the most relevant portion(s) have been identified, and the absence of such statements or identifications should not be construed as representations that there are no relevant portion(s). The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:


George M. Thomas, Reg. No. 22,260

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I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 11-20-03.

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Signature

Form PTO-1449

Attorney Docket No.
12310-1140

Serial No.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Applicant
W. Henry Wall

Filing Date

Group

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A	1,498,810	06/24/24	Poe			11/07/21
	B	2,127,215	08/16/38	Gwathmey	128	208	03/27/37
	C	3,419,004	12/31/68	Berman	128	208	08/31/66
	D	3,756,244	09/04/73	Kinnear et al.	128	351	06/10/71
	E	3,926,196	12/16/75	Bornhorst et al.	128	351	08/05/74
	F	4,300,550	11/17/81	Gandi et al.	128	207.18	03/07/80
	G	4,948,547	08/14/90	Hendry	264	500	09/18/89
	H	5,028,377	07/02/91	Hendry	264	572	03/05/90
	I	5,039,463	08/13/91	Loren	264	40.3	03/29/90
	J	5,080,570	01/14/92	Baxi et al.	425	130	03/14/90
	K	5,204,050	04/20/93	Loren	264	504	10/09/91
	L	5,208,046	05/04/93	Shah et al.	425	130	09/06/91
	M	5,284,429	02/08/94	Schneider et al.	425	130	05/07/92
	N	5,295,800	03/22/94	Nelson et al.	425	130	11/27/91
	O	5,803,731	09/08/98	Nordström	433	96	11/22/96

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
	P 574,736	04/28/59	Canada			X	
	Q 814,744	06/10/69	Canada			X	
	R 1,005,721	02/22/77	Canada			X	
	S 1,161,720	02/07/84	Canada			X	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

T U V	

* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

EXAMINER'S SIGNATURE:

DATE CONSIDERED:

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U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A	3,306,298	02/28/67	Raimo	128	351	03/31/64
	B	3,774,616	11/27/73	White et al.	128	351	02/01/72
	C	4,067,331	01/10/78	Berman	128	208	07/23/76
	D	4,198,970	04/22/80	Luomanen	128	207.15	09/11/78
	E	4,425,911	01/17/84	Luomanen et al.	128	200.26	07/27/81
	F	4,651,746	03/24/87	Wall	128	670	05/08/84
	G	5,205,281	04/27/93	Buchanan	128	207.14	08/02/91
	H	5,318,017	06/07/94	Ellison	128	200.24	11/05/92
	I	6,244,865	06/12/01	Nelson et al.	433	140	12/06/99
	J	6,256,524	07/03/01	Walker et al.	600	340	09/03/99
	K	6,386,199	05/14/02	Alfery	128	207.15	09/19/99
	L	6,481,436	11/19/02	Neame	128	200.26	03/29/00
	M	2003/0131853 A1	07/17/03	Wall, Jr., et al.	128	107.14	01/17/02

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation
							Yes No
	N						
	O						

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	P	
	Q	
	R	

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